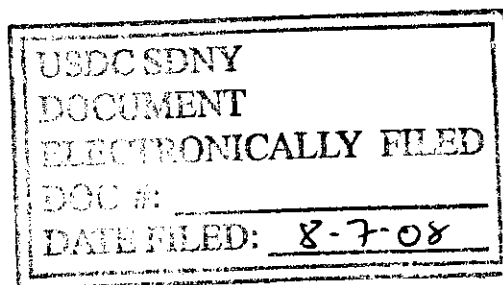


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August 1, 2008

VIA FACSIMILE
(212) 805-6111

The Honorable Henry B. Pitman
Chief United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 750
New York, NY 10007

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*APPLICATION GRANTED. NO
FURTHER EXTENSIONS EXCEPT FOR
GOOD CAUSE SHOWN BY AFFIDAVIT*

SO ORDERED

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
8-7-08

Re: *Armstrong, et al. v. Metropolitan Transportation Authority, et al.*
Civil Action No. 07-cv-3561 (GEL) (HBP)

Dear Magistrate Judge Pitman:

This firm represents Defendants in this matter. We write on behalf of all parties to jointly request a six month extension of the close of discovery in this matter from August 12, 2008 to February 12, 2009. This is the parties' second request for an extension of the discovery schedule.¹

As the Court is aware, this case involves a number of both separate and distinct and agency-wide allegations of discrimination on the basis of race and gender, as well as individual allegations of retaliation by the ten individual Plaintiffs, set forth in a 245 paragraph Amended Complaint. The parties' litigation of these claims has been diligent, constant and ongoing both prior to and since the parties' last appearance before the Court. Since the May 15, 2008 conference, the parties have exchanged several written discovery requests and repeatedly produced responsive documents, and have conducted 12 days of depositions of both Plaintiffs and supervisors of the Metropolitan Transportation Authority Police Department. Moreover, pursuant to the Court's May 15, 2008 Order, the parties have

¹ Subsequent to a May 15, 2008 discovery conference before the Court, discovery in this matter was extended by 90 days pursuant to the Court's Order. All subsequent dates in the Court's initial June 5, 2007 Civil Case Management Plan were adjourned 90 days, with the exception of conferences before Judge Lynch. The parties were thereafter advised to contact Judge Lynch when discovery was complete to schedule a conference. This request therefore also asks that the remaining deadlines in the Civil Case Management Plan be adjourned an additional six months. Accordingly, the date by which dispositive motions must be served and filed would be adjourned from September 29, 2008 to March 29, 2009. The date by which answering papers must be served and filed would be adjourned from October 30, 2008 to April 30, 2009. The date by which reply papers must be served and filed would be adjourned from November 13, 2008 to May 13, 2009.

The Honorable Henry B. Pitman
August 1, 2008
Page 2

served separate applications and submissions regarding the disclosure of the personnel files of alleged comparators and supervisors of the Plaintiffs on May 27 and July 8, 2008 respectively. Defendants further submitted to the Court on July 18, 2008 a submission requesting leave to move for an Order pursuant to Fed. R. Civ. P. 35 compelling the mental examination of Plaintiffs.

Numerous depositions remain to be conducted by both Plaintiffs and Defendants, and issues relating to document discovery remain to be resolved. If ordered by the Court, the mental examinations of the Plaintiffs, as well as the preparation of resulting reports and possible rebuttal examinations and reports must still take place. The parties believe that an additional six months will realistically afford the parties sufficient time to complete all discovery in this matter, and that it is unlikely that any further extensions of discovery will be necessary.

The parties thank the Court for its courtesy, patience, and consideration with respect to this request.

Respectfully submitted,


Stephen A. Fuchs

cc: Rachel Nicotra, Esq. (via Facsimile and Mail)
Norman Siegel, Esq. (via Facsimile and Mail)